

IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Alexandria Division

CYNTHIA JOHNSON)	
d/b/a The Little Surf Shack)	
)	Plaintiff,
)	
v.)	Civil Action No.:1:18-cv-689-LMB-TCB
)	
ASHLY E. SANDS,)	
AND)	
WOWWEE USA, INC.,)	
AND)	
INCOPRO, INC.)	Defendants.

RULE 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

COME NOW the Defendant WowWee USA, Inc., (hereinafter “WowWee”) by counsel, and for its Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, state as follows:

1. The Plaintiff’s Amended Complaint attempts to assert three causes of action against three defendants. These causes of actions include defamation *per se*, defamation and tortious interference with a business relationship.

2. The Plaintiff fails to allege any valid cause of action against WowWee under Virginia law. Specifically, the plaintiff has failed to allege that WowWee made any defamatory statement and has failed to allege what the specific statement was.

3. WowWee incorporates the argument in its Memorandum of Fact and Law in Support of this Motion, which is filed contemporaneously with this motion.

WHEREFORE, WowWee, by counsel, respectfully requests that this honorable court grant this motion and dismiss this matter with prejudice and for such other relief as justice may require. If this Motion is denied WowWee requests a trial by jury.

TRIAL BY JURY IS DEMANDED

WOWWEE USA, INC.,

By Counsel

_____/s/_____, p.d.

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Counsel for WowWee USA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 21st day of December, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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